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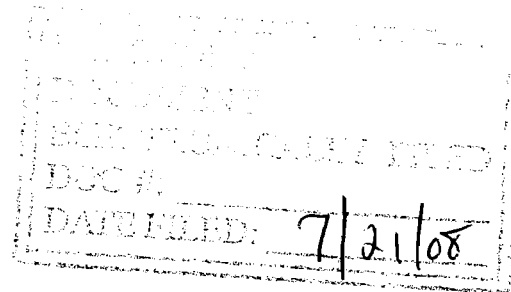
July 1, 2008

MEMO ENDORSED

VIA FACSIMILE (212) 788-9776

Arthur G. Larkin, Esq.
The City of New York Law Department
100 Church Street
New York, New York 10007

Re: *Alan Newton v. City of New York, et al.*
Index No. 07-CV-6211 (SAS) (HBP)



Dear Mr. Larkin:

When we appeared before Magistrate Judge Freeman on June 16, you were instructed to research and produce information on a variety of topics.

Among other things, you were ordered:

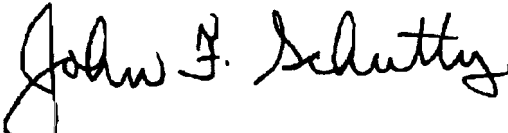
1. to identify the source(s) where the documents you produced came from (which parties produced them and from what files);
2. to determine how many people were employed by the NYPD's Bronx Sex Crimes Unit (in 1984) and the NYPD's Property Clerk's Office;
3. to determine the feasibility of producing any "complaints" ("IAB" or otherwise) made against the individuals working in the latter two units;
4. to determine what "arrest record" exists relating to Detective Joanne Newbert;
5. to determine what affidavit(s) you might have to prepare to substantiate your claim that many of the document requests served by Plaintiff are "burdensome"; and
6. to meet and confer with my office regarding your digital production of documents so that we can work out an agreeable system for producing documents in the future (you still have not responded to my email of May 13 -- "I have just come back from by copy service after attempting to print out documents from the latest disk that you sent me -- "Bates 6349-6577, consisting of CCRB files concerning defendant Douglas Leho." My copy service could not open what appeared to be

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only three documents on the disk in ".tif" format (they tell me that ".jpg" format is the easiest to work with)...You will have to send "hard copies" of the documents or a new disk.").

I am available to meet with you early next week, so please let me know about your availability as soon as possible. Please also let me know as soon as possible when I might receive word on the progress of your "discovery homework" as we are beyond certain dates set in our "Scheduling Order" and we need to advise Judge Scheindlin of that fact very shortly.

Sincerely yours,



John F. Schurty

At a June 16 conference, Your Honor "ordered" the defendants' attorney to investigate and determine whether a number of documents requested by Plaintiff might be produced. Although more than a month has passed, the defendants' attorney has yet to report on the results of his investigation. Attached is a July 1 letter that we sent to defense counsel requesting a "good faith" meeting to resolve remaining discovery issues. We have not yet received the favor of a reply.

Your Honor did make formal written rulings last week (July 7) in favor of Plaintiff – The City was ordered to respond (its objections were overruled) to Plaintiff's document requests no. 26 and no. 45 "within the time dictated by the Federal Rules." The problem with the latter phrase is that The City's original responses were due back in February under the Federal Rules. We would be grateful if Your Honor would set a date certain for The City to provide amended responses to these requests as we expect further delays without a court-ordered date. We suggest that you order that amended responses be provided no later than July 30, 2008.

A telephone conference, and a court-ordered deadline for completing the investigations discussed at our June 16 conference, will compel defense counsel, finally, to take some positive action.

Yesterday, Judge Shira A. Schiendlin denied the great majority of the defendants' Rule 12 motion to dismiss and ordered counsel to appear before her for a July 31 conference.

Respectfully submitted,

John F. Schutty
John F. Schutty
(JS 2173)

MEMO ENDORSED

cc: Arthur G. Larkin, Esq. [Via Fax]

Counsel for defendants is directed to confer in good faith with counsel for plaintiff on all outstanding issues and to submit to the court, no later than 7/24/08, a ^{jointly-proposed} schedule for the production of all information and documents that the court has already ordered defendants to produce.

Counsel shall jointly initiate a telephone conference with the court on 7/29/08 at 3:00 pm.

SO ORDERED: DATE: 7/21/08

... *Debra Freeman* ...
DEBRA FREEMAN
UNITED STATES MAGISTRATE JUDGE